



217/782-5544

November 15, 1990

Ms. Dorothy M. Gunn, Clerk  
Illinois Pollution Control Board  
State of Illinois Center  
100 West Randolph, Suite 11-500  
Chicago, Illinois 60601

EPA Region 5 Records Ctr.



350362

Dear Ms. Gunn:

Re: Administrative Citation  
Respondent: W. W. Sanitation  
IEPA Case No.: 517-90-AC  
Site Code No.: 1498160001  
Inspection Dates: September 20 and 26, 1990

Enclosed for filing with the Board is the Administrative Citation package issued to the above captioned facility. I am forwarding one complete copy which includes: 1) The Administrative Citation, 2) a copy of the field investigator's inspection report form, with accompanying photographs, 3) the field inspector's Affidavit, and 4) a Remittance Form. I am also enclosing nine additional copies of the Administrative Citation itself.

For your records, the Citation package was mailed to Respondent on November 15, 1990, certified mail, return receipt requested. As soon as I receive the green receipt card back, I will notify you so that your files reflect the exact date of service in order to calculate the thirty-five days after which the Board can enter the required Default Order if a Petition for Review has not been filed.

If the Respondent pays the civil penalty without filing a Petition for Review, I will so notify your office for your records.

Respondent is being served at: Jacob Johnson, President  
W. W. Sanitation  
Box 391  
Pittsfield, Illinois 62363

Thank you for your assistance.

Sincerely,

  
Richard C. Warrington, Jr.  
Division of Legal Counsel


RW:BD:jas/4036n,7/sp

Enclosures

cc: DLPC Division Files (Compliance)  
Mary Jo Heise



MEMORANDUM

DATE: November 15, 1990  
TO: Glenn Savage  
FROM: Richard C. Warrington   
SUBJECT: Administrative Citation  
W. W. Sanitation  
Site Code Number: 1498160001  
Enforcement File Number: 517-90-AC  
Inspection Dates: September 20 and 26, 1990

The above captioned case was mailed for service on November 15, 1990. The EDG was held on November 8, 1990.

RW:BD:jas/4036n,9/sp

cc: Joseph Svoboda  
Scott Phillips  
Bill Child  
John Richardson (Springfield Region)  
DLPC Division Files (Compliance) ✓  
Docket Control

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

REMITTANCE FORM

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY	)	
	)	
Complainant,	)	
	)	
v.	)	EPA 517-90-AC
	)	
W. W. SANITATION,	)	
	)	
Respondent.	)	

FACILITY: New Salem/W. W. Sanitation      SITE CODE NO.: 1498160001

COUNTY: Pike      CIVIL PENALTY: \$3,000.00

DATE OF INSPECTIONS: September 20, 1990 and September 26, 1990

DATE REMITTED: \_\_\_\_\_

SIGNATURE: \_\_\_\_\_

NOTE

Please enter the date of your remittance and sign this Remittance Form. Be sure your check is enclosed and mail, along with Remittance Form, to Illinois Environmental Protection Agency, Attn.: Fiscal Services, 2200 Churchill Road, P.O. Box 19276, Springfield, Illinois 62794-9276.

jas/4036n,6/sp

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY  
ADMINISTRATIVE CITATION

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY,	)	
	)	
Complainant,	)	
	)	
v.	)	EPA 517-90-AC
	)	
W. W. SANITATION,	)	
	)	
Respondent.	)	

JURISDICTION

This Administrative Citation is issued pursuant to authority vested in the Illinois Environmental Protection Agency by Ill. Rev. Stat. 1987, ch. 111 1/2, par. 1031.1.

FACTS

1. That Respondent, W. W. Sanitation, is the present operator of a facility located in the County of Pike, State of Illinois.

2. That said facility is operated as a sanitary landfill, operating under Illinois Environmental Protection Agency Operating Permit No. 1975-35-OP, and designated with Site Code No. 1498160001. Said facility is commonly known to the Agency as New Salem/W. W. Sanitation.

3. That Respondent has owned and operated said facility at all times pertinent hereto.

4. That on the dates of September 20, 1990 and September 26, 1990, John P. Richardson, of the Illinois Environmental Protection Agency, inspected the above-described landfill facility. A copy of the inspection reports setting forth the results of the inspections are attached hereto and made a part hereof.

## VIOLATIONS

On the basis of direct observation of John P. Richardson, the Illinois Environmental Protection Agency has determined that Respondent was conducting a sanitary landfill operation at the above-described facility, which is required to have a permit pursuant to Ill. Rev. Stat. 1987, ch. 111 1/2, par. 1021(d), in a manner which resulted in the following conditions:

A. That on September 20, 1990 an on-site inspection of said sanitary landfill facility and a review of Illinois Environmental Protection Agency files and records of said facility, disclosed the following:

- (1) Uncovered refuse remaining from a previous operating day, in violation of Ill. Rev. Stat. 1987, ch. 111 1/2, par. 1021(p)(5).
- (2) Failure to collect and contain litter from the site by the end of each operating day, in violation of Ill. Rev. Stat. 1987, ch. 111 1/2, par. 1021(p)(12).
- (3) Conducting a sanitary landfill operation in a manner which results in leachate flows exiting the landfill confines, in violation of Ill. Rev. Stat. 1987, ch. 111 1/2, par. 1021(p)(3).

B. That on September 26, 1990 an on-site inspection of said sanitary landfill facility and a review of Illinois Environmental Protection Agency files and records of said facility, disclosed the following:

- (1) Uncovered refuse remaining from a previous operating day, in violation of Ill. Rev. Stat. 1987, ch. 111 1/2, par. 1021(p)(5).
- (2) Failure to collect and contain litter from the site by the end of each operating day, in violation of Ill. Rev. Stat. 1987, ch. 111 1/2, par. 1021(p)(12).

- (3) Conducting a sanitary landfill operation in a manner which results in leachate flows exiting the landfill confines, in violation of Ill. Rev. Stat. 1987, ch. 111 1/2, par. 1021(p)(3).

#### CIVIL PENALTY

Pursuant to Ill. Rev. Stat. 1987, ch. 111 1/2, par. 1042(b)(4), Respondent herein is subject to a civil penalty of Five Hundred Dollars (\$500.00) for each violation specified above in Paragraphs A and B, for a total of Three Thousand Dollars (\$3,000.00). Additionally, should Respondent elect to petition the Illinois Pollution Control Board under the review process described hereinbelow, and if there is a finding of the violations alleged herein, after an adjudicatory hearing, Respondent shall be assessed the associated hearing costs incurred by the Illinois Environmental Protection Agency and the Illinois Pollution Control Board, in addition to the Five Hundred Dollar (\$500.00) statutory penalty for each finding of violation.

If you acknowledge the violations cited hereinabove, the civil penalty specified above shall be due and payable no later than December 24, 1990. If you do not petition the Illinois Pollution Control Board for review of this Administrative Citation within thirty-five (35) days of service hereof or if you elect to contest this Administrative Citation, any judgment rendered against you shall specify the due date of the statutory civil penalty and any costs assessed against you.

When payment is made, your check should be made payable to the Illinois Environmental Protection Trust Fund and mailed to the attention of Fiscal Services, Illinois Environmental Protection Agency, 2200 Churchill Road, P.O.

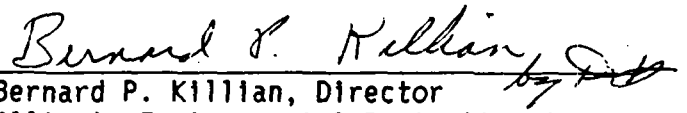
Box 19276, Springfield, Illinois 62794-9276. Also, please complete and return the enclosed Remittance Form, along with your payment, to assure proper documentation of payment.

If any civil penalty, by reason of acknowledgment, default or finding after adjudicatory hearing, is not paid when due, the Illinois Environmental Protection Agency shall take into consideration such failure to pay during any permit review process upon your application for a new permit or for renewal of an existing permit. Furthermore, if payment is not received when due, the Office of the Illinois Attorney General shall be requested to initiate proceedings in Circuit Court to collect said civil penalty. In addition to the previously assessed civil penalty, and hearing costs of the Illinois Environmental Protection Agency and the Illinois Pollution Control Board, if any, the Attorney General's Office will seek to recover their costs of litigation.

PROCEDURE FOR CONTESTING THIS  
ADMINISTRATIVE CITATION

You have the right to contest this Administrative Citation. See Ill. Rev. Stat. 1987, ch. 111 1/2, par. 1031.1. If you elect to contest this Administrative Citation, you must file a Petition for Review with the Clerk of the Illinois Pollution Control Board. A copy of the Petition for Review should be filed with the Illinois Environmental Protection Agency. Such Petition for Review must be filed within thirty-five (35) days of the date of service of this Administrative Citation, or a default judgment shall be entered by the Pollution Control Board. The Petition for Review may be filed with the Clerk of the Illinois Pollution Control Board at the State of Illinois Center, 100 West Randolph, Suite 11-500, Chicago, Illinois 60601; and, a copy of said Petition for Review filed with the Illinois Environmental

Protection Agency at 2200 Churchill Road, P.O. Box 19276, Springfield,  
Illinois 62794-9276, Attention: Enforcement Services.

  
Bernard P. Killian, Director  
Illinois Environmental Protection Agency

Prepared by: Richard C. Warrington, Jr.  
Illinois Environmental  
Protection Agency  
2200 Churchill Road  
P.O. Box 19276  
Springfield, IL 62794-9276  
217/782-5544

Date: November 15, 1990

jas/4036n,1-5/sp